

**GUAM ENVIRONMENTAL PROTECTION AGENCY
AIR AND LAND DIVISION
AIR POLLUTION CONTROL PROGRAM
P.O. Box 22439 GMF
Barrigada, Guam 96921**

TITLE V PERMIT TO OPERATE

Permit Number: FO-020
Issue Date: **DRAFT**
Expiration Date: **DRAFT**

In accordance with the provisions of Title V of the Clean Air Act (CAA) and the Guam Air Pollution Control Standards and Regulations (GAPCSR), Public Law 24-322, and the Guam Air Pollution Control Act (GAPCA), Public Law 24-20, 10 Guam Code Annotated (GCA), Chapter 49, and the Consent Decree (U.S. District Court Territory of Guam Civil Case No. 02-00022 and subsequent Orders), the following facility described below:

**Layon Municipal Sanitary Landfill
Lot No. B-3REM-2
Inarajan, Guam**

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by Guam Environmental Protection Agency (GEPA), the United States Environmental Protection Agency (USEPA) and citizens under the CAA. The issuance of this permit is based on the plans, specifications, and additional information submitted as part of the application dated October 22, 2008.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

Acceptance of this permit constitutes an agreement and acknowledgement that the holder will comply with all the rules and regulations of GEPA and these permit conditions.

This permit, (a) does not in any manner affect the title of the premises upon which the equipment is located, (b) does not release the permittee from any liability for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment, and (c) in no manner implies or suggests that GEPA, or its officers, agents, or employees assumes any liability, directly or indirectly, for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment.

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This permit is valid for a period of five (5) years and shall expire at midnight on the date specified above unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

Date

Lorilee T. Crisostomo
Administrator
Guam EPA

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Expires: **Insert Date****Abbreviations and Acronyms**

CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CFR	Code of Federal Regulations
GAPCSR	Guam Air Pollution Control Standards and Regulations
GCA	Guam Code Annotated
GEPA	Guam Environmental Protection Agency
NAAQS	National Ambient Air Quality Standard
NMOC	Non-Methane Organic Compounds
NESHAP	National Emission Standards for Hazardous Air Pollutants
NSPS	New Source Performance Standards
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SSM	Startup, Shutdown, and Malfunction
USEPA	United States Environmental Protection Agency

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Facility Name: Layon Municipal Solid Waste Landfill
Facility Location: Layon area of Dandan, Lot No. B-3REM-2
City: Inarajan
Territory: Guam
USEPA Region: 9
SIC Code: 4953

Responsible Official: Christopher A. Lund
Gershman, Brickner, & Bratton, Inc. (GBB)
Receiver for the Court
Phone Number: (671) 646-3249

Facility Manager/Contact: Christopher A. Lund
Phone Number: (671) 646-3249

Person Responsible for Recordkeeping: Christopher A. Lund
Phone Number: (671) 646-3249

Description of Process:

Layon Municipal Solid Waste Landfill is a landfill accepting municipal solid waste. The sources of emissions are the generation of gas by the landfill and combustion emissions from a flare which will be used to destroy VOCs in captured landfill gas.

II. Requirements for Specific Emission Units

II.A. Equipment Description

II.A.1 This permit encompasses the following equipment and associated appurtenances that are considered significant sources of emissions. [GAPCSR, Section 1104.12(12)]

Emission Unit ID	Description	Associated Control Equipment
FL-1	Landfill Gas Flare	n/a
LF-1	Landfill Gas Surface Emissions	FL-1

II.A.2 The permittee shall have installed an identification tag or nameplate on each piece of equipment that identifies the model number, serial number, and manufacturer. The identification tag or nameplate shall be permanently attached to the equipment at a conspicuous location. [Section 49107(7)(B) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA]

II.B. Standards for Air Emissions

II.B.1 The permittee shall operate a landfill gas collection system that meets the following requirements [40 CFR §60.752(b)(2)(ii), 40 CFR §60.753(a), 40 CFR §60.755(a)(6)]:

- a. the system is designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas collection system;
- b. landfill gas is collected from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of five years or more, or two years or more if the landfill is closed or at final grade;
- c. gas is collected at a sufficient extraction rate; and
- d. the system is designed to minimize off-site migration of subsurface gas.

II.B.2 The Permittee shall operate the collection and control device installed in accordance with the provisions of 40 CFR §60.753, 40 CFR §60.755 and 40 CFR §60.756. [40 CFR §60.752(b)(2)(iv)]

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II.B.3 The permittee shall design the landfill gas collection system to achieve a capture efficiency of 90% of all landfill gas generated at the site. [GAPCSR Section 1104.12(1)]

II.B.4 The permittee shall route all collected landfill gas to an open flare designed and operated in accordance with 40 CFR §60.18 and 40 CFR §63.11. [40 CFR §60.752(b)(2)(iii), 40 CFR §60.18(c) through (f), 40 CFR §63.11(b)]

II.B.5 The particulate emissions from this unit shall not exceed 0.40 lb/MMBtu. [Guam State Implementation Plan (SIP), Section 7.5]

II.B.6 The permittee shall not cause or permit the continuous emission of visible air pollutants with a density equal to or darker than twenty (20) percent opacity from any emission unit nor the emission of visible air pollutants of a density darker than sixty (60) percent opacity for a period aggregating more than three (3) minutes in any sixty (60) minute period. [GAPCSR, Section 1103.3; SIP, Section 10.1]

II.C. Operational Standards for Collection and Control Systems

II.C.1 The Permittee shall operate the collection system with negative pressure at each wellhead except under the following conditions: [40 CFR §60.753(b)]

- a. A fire or increased well temperature. The Permittee shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 40 CFR §60.757(f)(1);
- b. Use of a geomembrane or synthetic cover. The Permittee shall develop acceptable pressure limits in the design plan; or
- c. A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by USEPA and GEPA.

II.C.2 The Permittee shall operate each interior wellhead in the collection system with a landfill gas temperature less than 55°C and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. The Permittee may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens. [40 CFR §60.753(c)]

II.C.3 The nitrogen level shall be determined using Method 3C. [40 CFR §60.753(c)(1)]

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II.C.4 The oxygen level shall be determined by an oxygen meter using Method 3A except that:

- a. The span shall be set so that the regulatory limit is between 20 and 50 percent of the span;
- b. A data recorder is not required;
- c. Only two calibration gases are required, a zero and span, and ambient air may be used as the span; and
- d. A calibration error check is not required;
- e. The allowable sample bias, zero drift, and calibration drift are ± 10 percent. [40 CFR §60.753(c)(2)]

II.C.5 The Permittee shall operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30 meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing. [40 CFR §60.753(d)]

II.C.6 The permittee shall operate the landfill gas collection system such that all collected gases are vented to a control system designed and operated in compliance with 40 CFR §60.752(b)(2)(iii). In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within 1 hour. [40 CFR §60.753(e)]

II.C.7 The permittee shall operate the landfill gas control or treatment system at all times when the collected gas is routed to the system. [40 CFR §60.753(f)]

II.C.8 If monitoring demonstrates that the operational requirements 40 CFR §60.753(b), (c), or (d) are not met, corrective action shall be taken as specified in 40 CFR §60.755(a)(3) through (5) or 40 CFR §60.755(c). If corrective actions are taken as specified in 40 CFR §60.755, the monitored exceedance is not a violation of the operational requirements in this section. [40 CFR §60.753(g)]

II.D. NSPS Compliance Provisions

II.D.1 The provisions of NSPS subpart WWW apply at all times, except during periods of startup, shutdown, or malfunction, provided that the duration of startup, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices. [40 CFR §60.755(e)]

II.D.2 The following procedures shall be used for compliance with the surface methane operational standard as provided in 40 CFR §60.753(d). [40 CFR §60.755(c)]

- a. After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in 40 CFR §60.753(d).
- b. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.
- c. Surface emission monitoring shall be performed in accordance with section 4.3.1 of USEPA Method 21, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.
- d. Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified below shall be taken. As long as each of the specified actions are taken, the exceedance is not a violation of the operational requirements of 40 CFR §60.753(d).
 - (1) The location of each monitored exceedance shall be marked and the location recorded.
 - (2) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance.
 - (3) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the

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re-monitoring shows a third exceedance for the same location, the action specified in 40 CFR §60.755(c)(4)(v) shall be taken, and no further monitoring of that location is required until the action specified in 40 CFR §60.755(c)(4)(v) has been taken.

- (4) Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in paragraph 40 CFR §60.755(c)(4)(ii) or (iii) shall be re-monitored 1 month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in paragraph 40 CFR §60.755 (c)(4)(iii) or (v) shall be taken.
- (5) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Administrator for approval.

II.D.3 The Permittee shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis. [40 CFR §60.755(c)(5)]

II.D.4 In seeking to comply with the provisions in 40 CFR §60.755(c), the Permittee shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

- a. The portable analyzer shall meet the instrument specifications provided in section 3 of Method 21 of appendix A of 40 CFR Part 60, except that “methane” shall replace all references to VOC.
- b. The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air.
- c. To meet the performance evaluation requirements in section 3.1.3 of Method 21 of appendix A of 40 CFR Part 60, the instrument evaluation procedures of section 4.4 of Method 21 of appendix A of 40 CFR Part 60 shall be used.

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- d. The calibration procedures provided in section 4.2 of Method 21 of appendix A of 40 CFR Part 60 shall be followed immediately before commencing a surface monitoring survey. [40 CFR §60.755(d); 40 CFR §60.756(f)]

II.E. Startup, Shutdown, and Malfunction Plan

II.E.1 The permittee shall have in place a written Startup, Shutdown, and Malfunction (SSM) plan according to the provisions in 40 CFR 63.6(e)(3). A copy of the SSM plan must be maintained on site. Failure to write, implement, or maintain a copy of the SSM plan is a deviation from the requirements 40 CFR 63, Subpart AAAA. [40 CFR §63.1960]

II.F. Monitoring and Testing Requirements

II.F.1 The permittee shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead, and:

- a. Measure and record the gauge pressure at each individual well on a monthly basis. If a positive pressure exists, action shall be initiated to correct the exceedance within 5 calendar days, except for the three conditions allowed under 40 CFR §60.753(b). If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to USEPA and GEPA for approval. The Permittee is not required to expand the system during the first 180 days after gas collection system startup;
- b. Monitor and record the nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in 40 CFR §60.753(c). If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within 5 calendar days. If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to USEPA and GEPA for approval; and
- c. Monitor and record the temperature of the landfill gas on a monthly basis. [40 CFR §60.756(a), §60.755(a)(3), §60.755(a)(5)]

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II.F.2 In seeking to comply with 40 CFR §60.752(b)(2)(iii) using an open flare, the Permittee shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:

- a. A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame.
- b. A device that records flow to or bypass of the flare. The Permittee shall either:
 - 1 Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or
 - 2 Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line. [40 CFR §60.756(c)]

II.F.3 The permittee shall include deviations specified in the Municipal Solid Waste Landfill NESHAP in the semiannual monitoring report required by Condition III.D.4 of this permit. Deviations for continuous emission monitors or numerical continuous parameter monitors must be determined using a 3-hour monitoring block average. Deviations include, but are not limited to the following [40 CFR §63.1955(c); 40 CFR §63.1965(a), (b), and (c)]:

- a. when 1 hour or more of the hours during the 3-hour block averaging period does not constitute a valid hour of data. A valid hour of data must have measured values for at least three 15-minute monitoring periods within the hour.
- b. when the Start-up, Shutdown, and Maintenance Plan is not developed, implemented, or maintained on site.

II.G. Recordkeeping Requirements

II.G.1 The permittee shall maintain for at least five years up-to-date, readily accessible, on-site records of the design capacity report which triggered 40 CFR §60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. [40 CFR §60.758(a)]

II.G.2 The permittee shall maintain up-to-date, readily accessible records for the life of the control equipment of the following data as measured during the initial performance test or compliance determination:

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- a. The maximum expected gas generation flow rate as calculated in 40 CFR §60.755(a)(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Administrator.
- b. The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 40 CFR §60.759(a)(1).

Records of this data from subsequent tests or monitoring shall be maintained for a minimum of five years. Records of the control device vendor specifications shall be maintained until removal of the control device. [40 CFR §60.758(b)(1)]

II.G.3 When seeking to demonstrate compliance with 40 CFR §60.752(b)(2)(iii)(A) through use of the open flare, the permittee shall maintain up-to-date, readily accessible records of the following:

- a. the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR §60.18; and
- b. continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent.

Records of this data from subsequent tests or monitoring shall be maintained for a minimum of five years. Records of the control device vendor specifications shall be maintained until removal of the control device. [40 CFR §60.758(b)(4); and 40 CFR §60.758(c)(4)]

II.G.4 The Permittee shall keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 40 CFR §60.756. [40 CFR §60.758(c)]

II.G.5 The Permittee shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector. [40 CFR §60.758(d)]

- a. The Permittee shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under 40 CFR §60.755(b).

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- b. The Permittee shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 40 CFR §60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in 40 CFR §60.759(a)(3)(ii).

II.G.6 The Permittee shall keep for at least 5 years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in 40 CFR §60.753, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance. [40 CFR §60.758(e)]

II.H. Specifications for Active Collection Systems

II.H.1 The Permittee shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by USEPA and Guam EPA as provided in 40 CFR §60.752(b)(2)(i)(C) and (D): [40 CFR §60.759(a)]

- a. The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat.
- b. The sufficient density of gas collection devices determined in 40 CFR §60.759(a)(1) shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior.
- c. The placement of gas collection devices determined in 40 CFR §60.759(a)(1) shall control all gas producing areas, except as provided by the following:
 - 1 Any segregated area of asbestos or nondegradable material may be excluded from collection if documented as provided under 40 CFR §60.758(d). The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the Administrator upon request.

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- 2 Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than 1 percent of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the Administrator upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation listed in 40 CFR §60.759(a)(3)(ii).
- 3 When applying the formula in 40 CFR §60.759(a)(3)(ii), the values for k and C_{NMOC} determined in field testing shall be used if field testing has been performed in determining the NMOC emission rate or the radii of influence (this distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for k , L_0 and C_{NMOC} provided in 40 CFR §60.754(a)(1) or the alternative values from 40 CFR §60.754(a)(5) shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in 40 CFR §60.759(a)(3)(i).

II.H.2 The Permittee shall construct the gas collection devices using the following equipment or procedures: [40 CFR §60.759(b)]

- a. The landfill gas extraction components shall be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to: convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration.
- b. Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross-section so as to allow for their proper construction and

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completion including, for example, centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations.

- c. Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one sampling port. The collection devices shall be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

II.H.3 The Permittee shall convey the landfill gas to a control system in compliance with 40 CFR §60.752(b)(2)(iii) through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment, calculated in accordance with 40 CFR §60.755(a)(1). [40 CFR §60.759(c)]

III. Facility-Wide or Generic Permit Requirements

Conditions in Section III of the permit apply to all emissions units located at the facility.

III.A. Work Practice and Operational Requirements

- III.A.1 All equipment, facilities, and systems installed or used to achieve compliance with terms and conditions of this permit shall at all times, including periods of startup, shutdown and malfunction, be maintained in good working order and be operated as efficiently as possible so as to minimize air pollutant emissions. The permittee shall conduct proper preventative maintenance procedures for the landfill gas flare in accordance with the manufacturer's recommendations. [GAPCSR, Section 1104.12(12)]
- III.A.2 Adequate control measures approved by GEPA shall be implemented to prevent exceedences of any applicable air quality standards during the operation of the facility. [GAPCSR, Section 1104.12(8)]
- III.A.3 The permittee shall not cause or permit visible fugitive dust to become airborne without taking reasonable precautions. Examples of reasonable precautions are [GAPCSR, Section 1103.4(a); SIP, Sections 8.1, 8.4, and 8.7]:
- a. Use of water or suitable chemicals for control of fugitive dust in the demolition of existing buildings or structures, construction and retrofitting operations, the grading of roads, or the clearing of land;
 - b. Application of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which may allow release of fugitive dust;
 - c. Installation of appurtenances that provide an enclosure and ventilation for all crushing, aggregate screening, and conveying of material likely to become airborne;
 - d. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Reasonable containment methods shall be employed during sandblasting, spray painting, or other similar operations;
 - e. Covering all moving, open-bodied trucks transporting materials which may release fugitive dust;
 - f. Conducting agricultural operations, such as tilling of land and the application of fertilizers, in such manner as to reasonably minimize fugitive dust;

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- g. Maintenance and sealing of road-ways and parking lots so as to prevent the exposure of such surfaces to wind, water, or vehicular travel erosion; and
- h. Prompt removal of earth or other materials from paved streets which have been transported there by trucking, earth-moving equipment, erosion, or other means.

III.A.4 Except for persons engaged in agricultural operations or persons who can demonstrate to the Administrator that the best practical operation or treatment is being implemented, no person shall cause or permit the discharge of visible fugitive dust beyond the property lot line on which the fugitive dust originates. [GAPCSR, Section 1103.4(b); SIP, Section 8.2]

III.B. Monitoring and Testing Requirements

In addition to the unit specific testing requirements derived from the applicable requirements for each individual unit contained in Section II.F of this permit, the permittee shall comply with the following generally applicable testing requirements as necessary to ensure that the required tests are sufficient for compliance purposes:

- III.B.1 The permittee shall provide sampling and testing facilities at its own expense. The tests shall be conducted at the maximum expected operating capacity of the equipment at this facility and GEPA may monitor the tests. For performance test purposes, sampling ports, platforms and access shall be provided by the permittee on the landfill gas flare in accordance with 40 CFR 60.8 (e). [GAPCSR, Section 1102.4; SIP, Sections 3.6(a), 3.9, and 4.1]
- III.B.2 At least thirty (30) days prior to a performance test, the permittee shall submit a written performance test plan to GEPA that describes the test date(s), duration, locations, and methods, source operation and other parameters that may affect test results. Such a plan shall conform to USEPA guidelines including quality assurance procedures. [GAPCSR, Section 1102.4]
- III.B.3 Submit to USEPA a source test plan 45 days prior to any required testing. The source test plan shall include and address the following elements [40 CFR §71.6(a)(3)]:

- 1.0 Purpose of the test
- 2.0 Source Description and Mode of Operation During Test
- 3.0 Scope of Work Planned for Test
- 4.0 Schedule/Dates
- 5.0 Process Data to be Collected During Test
- 6.0 Sampling and Analysis Procedures

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- 6.1 Sampling Locations
- 6.2 Test Methods
- 6.3 Analysis Procedures and Laboratory Identification
- 7.0 Quality Assurance Plan
- 7.1 Calibration Procedures and Frequency
- 7.2 Sample Recovery and Field Documentation
- 7.3 Chain of Custody Procedures
- 7.4 QA/QC Project Flow Chart
- 8.0 Data Processing and Reporting
- 8.1 Description of Data Handling and QC Procedures
- 8.2 Report Content

III.B.4 Unless otherwise specified by an applicable requirement or permit condition in Section II, all source tests shall be performed at maximum operating rates (90% to 110%) of device design capacity. [40 CFR §71.6(a)(3)]

III.B.5 Compliance with the NMOC standard listed in Condition II.B.3 of this permit shall be determined in accordance with performance tests established by 40 CFR 60.8. [40 CFR §60.11(a)]

III.B.6 Only regular operating staff may adjust the processes or emission control device parameters during a compliance source test. No adjustments are to be made within two (2) hours of the start of the tests. Any operating adjustments made during a source test, that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants, may render the source test invalid. [40 CFR §71.6(a)(3)]

III.B.7 During each test run and for two (2) hours prior to the test and two (2) hours after the completion of the test, the permittee shall record the following information [40 CFR §71.6(a)(3)]:

- a. Fuel characteristics and/or amount of product processed (if applicable).
- b. Visible emissions.
- c. All parametric data which is required to be monitored in Section II for the emission unit being tested.
- d. Other source specific data identified in Section II such as minimum test length (e.g., one hour, 8 hours, 24 hours, etc.), minimum sample volume, other operating conditions to be monitored, correction of O₂, etc.

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III.B.8 Each source test shall consist of at least three (3) valid test runs and the emissions results shall be reported as the arithmetic average of all valid test runs and in the terms of the emission limit. There must be at least 3 valid test runs, unless otherwise specified. [40 CFR §71.6(a)(3)]

III.B.9 The permittee shall correlate applicable emission limitations and other requirements within the report. [GAPCSR, Section 1102.4]

III.B.10 Within sixty (60) days after completion of the performance test, the permittee shall submit to GEPA and the USEPA Regional Administrator, the test report which shall include the operating conditions of the equipment at the time of the test, the analyses of the landfill gas composition, the summarized test results, comparative results with the permit emissions limits, and other pertinent field and laboratory data. [GAPCSR, Section 1102.4; SIP, Section 4.2]

III.C. Recordkeeping Requirements

In addition to the unit specific recordkeeping requirements derived from the applicable requirements for each individual unit and contained in Section II.G, the permittee shall comply with the following generally applicable recordkeeping requirements:

III.C.1 The permittee shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records shall be compiled in a permanent form suitable for inspection and made available to GEPA or their representative upon request. [GAPCSR, Section 1104.12(7)(H)] [40 CFR § 71.6 (a)(3)(ii)]

III.C.2 The permittee shall maintain a log of the date and nature of all inspections and maintenance activities performed at the facility [GAPCSR Section 1104.12(12)].

III.C.3 The permittee shall keep records of required monitoring information that include the following: [40 CFR § 71.6 (a)(3)(ii)]

- a. The date, place, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;

- e. The results of such analyses; and
- f. The operating conditions as existing at the time of sampling or measurement.

III.D. Reporting Requirements

III.D.1 As required in Section III.H and in conjunction with the requirements of Section III.I of this permit the permittee shall report annually the total tons per year emitted of each regulated air pollutant, including hazardous air pollutants. The reporting of annual emissions is due within sixty (60) days following the end of the each calendar year. Upon the written request of the permittee, the deadline for reporting of annual emissions may be extended, if GEPA determines that reasonable justification exists for the extension. [GAPCSR, Section 1104.24(c)]

III.D.2 The permittee shall report in writing within thirty (30) days the modification, relocation, discontinuance of operation or dismantlement of the landfill gas flare identified in Condition II.A.1 of this permit. [GAPCSR, Section 1104.5(a)]

III.D.3 The permittee shall provide a report to GEPA of the results of all monitoring and recordkeeping required by this permit at least once every six (6) months, starting from the date of issuance of this permit. [GAPCSR, Section 1104.12(7)(I)]

III.D.4 The permittee shall submit to GEPA and USEPA Region 9 reports of any monitoring required under this permit for each six month reporting period (or fraction thereof) from January 1 to June 30 and from July 1 to December 31. All reports shall be submitted to USEPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Condition IV.E of this permit. [40 CFR §71.6 (a)(3)(iii)]

- a. The monitoring report must include the following:
 - (1) The company name and address,
 - (2) The beginning and ending dates of the reporting period,
 - (3) The emissions unit or activity being monitored,
 - (4) The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored,

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- (5) All instances of deviations from permit requirements, including excursions or exceedances as defined under 40 CFR part 64, and the date on which each deviation occurred,
 - (6) If the permit requires continuous monitoring of an emissions limit or parameter range, the report must include the total operating time of the emissions unit during the reporting period, the total duration of excess emissions or parameter exceedances during the reporting period, and the total downtime of the continuous monitoring system during the reporting period,
 - (7) If the permit requires periodic monitoring, visual observations, work practice checks, or similar monitoring, the report shall include the total time when such monitoring was not performed during the reporting period and at the source's discretion either the total duration of deviations indicated by such monitoring or the actual records of deviations,
 - (8) All other monitoring results, data, or analyses required to be reported by the applicable requirement, and
 - (9) The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.
- b. Any report required by an applicable requirement that provides the same information described in paragraph III.C.1.a(1) through (9) above shall satisfy the paragraph III.C.1.a requirement.
[40 CFR §71.6 (a)(3)(iii)]
- c. "Deviation," means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or record keeping established in accordance with §71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:
[40 CFR §71.6 (a)(3)(iii)]:
- (1) A situation when emissions exceed an emission limitation or standard;
 - (2) A situation when there is an excursion of a process or control device;

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(3) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit, or

(4) A situation in which an exceedance or an excursion, as defined in the compliance assurance plan (40 CFR Part 64), occurs.

III.D.5 The permittee shall promptly report to USEPA Region 9 deviations from permit or start-up, shut-down malfunction plan requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" is defined as follows: [40 CFR §71.6 (a)(3)(iii)]

a. Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or

b. Where the underlying applicable requirement does not define prompt or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:

(1) For emissions of a hazardous air pollutant or a toxic air pollutant(as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

(2) For emissions of any regulated pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

(3) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in paragraph III.C.1.a of this permit.

III.D.6 If any of the section III.D.5 reporting requirements are triggered, the source must notify USEPA Region 9 by telephone, facsimile, or electronic mail sent to r9.aeo@epa.gov, based on the timetable listed. A written notice, certified consistent with paragraph III.D.7 of this permit section must be submitted within 10 working days of the occurrence. All deviations reported under section III.D must also be identified in the 6-month report required under paragraph III.D.4. [40 CFR § 71.6 (a)(3)(iii)]

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III.D.7 Any application form, report, or compliance certification required to be submitted by this permit shall be certified by a responsible official as to the truth, accuracy, and completeness of the submittal. All certifications shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [40 CFR §71.5 (d)]

III.D.8 The permittee shall submit annual reports with the following information. Each report shall be postmarked by January 30 of each year and cover the previous calendar year. For flares, reportable exceedances are defined under 40 CFR §60.758(c). [40 CFR §60.757(f)]

- a. Value and length of time for exceedance of applicable parameters monitored under 40 CFR §60.756(a), (b), (c), and (d).
- b. Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 40 CFR §60.756.
- c. Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.
- d. All periods when the collection system was not operating in excess of 5 days.
- e. The location of each exceedance of the 500 parts per million methane concentration as provided in 40 CFR §60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month.
- f. The date of installation and the location of each well or collection system expansion added pursuant to paragraphs (a)(3), (b), and (c)(4) of 40 CFR §60.755.
- g. The initial report shall include:
 - (1) A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;

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- (2) The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;
- (3) The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;
- (4) The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and
- (5) The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and
- (6) The provisions for the control of off-site migration.

III.D.9 The permittee shall report to USEPA Region 9 any actions not consistent with the SSM Plan. The initial report shall be within two working days via telephone, facsimile, or electronic mail sent to r9.aeo@epa.gov, followed by a letter delivered or postmarked within seven working days after the end of the event. The letter shall contain the name, title, and signature of the responsible official who is certifying its accuracy, explaining the circumstances of the event, the reasons for not following the SSM Plan, and whether any excess emissions and or parameter monitoring exceedances are believed to have occurred. [40 CFR §63.10(d)(5)]

III.E. Compliance Schedule

- III.E.1 For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements. [GAPCSR, Section 1104.8(b)(2)(A)]
- III.E.2 For applicable requirements which become applicable during the permit term, the source shall meet such applicable requirements on a timely basis. [GAPCSR, Section 1104.8(b)(2)(B)]

III.F. Compliance Certifications

- III.F.1 The compliance plan and compliance certification submittal requirements shall be in accordance with Sections 1104.8 and 1104.9 of the GAPCSR. The compliance certification shall be submitted to GEPA and the USEPA Regional Administrator

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once per year, or more frequently as set by any applicable requirement. [GAPCSR, Sections 1104.8 and 1104.9]

III.F.2 During the permit term, the permittee shall submit at least annually to GEPA, a compliance certification pursuant to Section 1104.9 of the GAPCSR. The permittee shall indicate whether or not compliance is being met with each term or condition of this permit. [GAPCSR, Section 1104.9]

III.G. General Air Quality Protections

III.G.1 The permittee shall not dispose of combustible material by open burning, or cause, suffer, allow, or permit open burning of combustible material within Guam, except as provided in Sections 1103.11 (b) through (e) of the GAPCSR. [GAPCSR, Section 1103.11; SIP, Section 6.1]

III.G.2 Control of Odors in Ambient Air

- a. The permittee shall not discharge or cause to be discharged into the atmosphere from any source whatsoever, such quantities of odorous emissions which is injurious to health, or is indecent or offensive to the senses, which affects at the same time an entire community or neighborhood, or any considerable number of persons, so as to unduly interfere with the comfortable enjoyment of life or property of such community, neighborhood or persons. It is a creation of a condition which causes injury to the public welfare. [GAPCSR, Section 1103.12(a); SIP, Section 11.1]
- b. An odor occurrence shall be deemed a violation when a complaint is received by the Administrator and the Administrator is able to detect the odor. This detection must be verified by the Department of Public Health, Environmental Health Section for a person to be found in violation of subsection (a) of this condition. [GAPCSR, Section 1103.12(b); SIP, Section 11.2]
- c. The odor of growing vegetation, and chemical fertilizers and insecticides when used properly, or when persons can demonstrate to the Administrator that the best practical operation or treatment is being implemented, shall not be considered objectionable for the purposes of this requirement. [GAPCSR, Section 1103.12(c); SIP, Section 11.3]

III.G.3 The permittee shall comply with the asbestos requirements of 40 CFR 61, Subpart M (as amended and incorporated in Section 1103.13 of the GAPCSR), including requirements for demolition and renovation projects. [GAPCSR, Section 1103.13]

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III.H. Annual Emissions Reporting Requirements

III.H.1 The reporting period for the annual emissions, including emissions from the emission units identified in Condition II.A.1 of this permit, shall be from January 1 to December 31 of each calendar year. All reports shall be submitted to GEPA along with the annual fee due. The report shall be mailed to [GAPCSR, Section 1104.24(c)]:

Administrator
Guam Environmental Protection Agency
Air and Land Division
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

Director, Air Division (Attn: AIR-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

III.H.2 The permittee shall retain the information submitted, including all emissions calculations. These records shall be in a permanent form suitable for inspection, retained for a minimum of five (5) years, and made available to GEPA upon request. [GAPCSR, Section 1104.12(7)(H)]

III.H.3 Any information submitted to GEPA without a request for confidentiality shall be considered public record. [GAPCSR, Section 1102.7]

III.H.4 The permittee may request confidential treatment of specific information by submitting a written request to the Administrator identifying the specific information that is to be accorded confidential treatment. [GAPCSR, Section 1102.7(b)]

III.I. Fee Payment

III.I.1 The permittee shall submit fees in accordance with GAPCSR, Sections 1104.21 through 1104.24. [GAPCSR, Section 1104.12(9)(K)]

III.I.2 The permittee shall complete and submit the Annual Fee Calculation Worksheet, including all emissions calculations, with the required annual fee. The permittee shall make copies for future use. [GAPCSR, Section 1104.24(l)]

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III.I.3 Annual fees shall be paid in full: [GAPCSR, Section 1104.24 (a)]

- a. Within sixty (60) days after the end of each calendar year;
- b. Within thirty (30) days after permanent discontinuance of the air emission source.

III.I.4 The permittee shall be assessed a Six Dollars (\$6.00) per ton per pollutant base rate of the total annual emission. However, the minimum annual fee due shall be Five Hundred Dollars (\$500.00) for each valid permit held during the prior calendar year; or Forty-Two Dollars (\$42.00) per month for any fraction of the year the permit is valid after the last calendar year for which annual fee was paid. [GAPCSR, Section 1104.24(g)]

III.I.5 If any part of the annual fee is not paid within thirty (30) days after the due date, a late penalty of five percent (5%) of the amount due shall at once accrue and be added thereto. Thereafter, on the first day of each calendar month during which part of the annual fee or any prior accrued late payment penalty remains unpaid, an additional late payment penalty of five percent (5%) of the then unpaid balance shall accrue and be added thereto. [GAPCSR, Section 1104.25(b)]

III.I.6 If any annual fee, including the late payment penalty required by the GAPCSR is not paid in full within thirty (30) days after the due date, the Administrator may terminate or suspend any or all of the owner or operator's air pollution control permit, after affording the opportunity for a hearing in accordance with Section 1104.19 or Section 1102.14 of the GAPCSR [GAPCSR, Section 1104.25(c)]

III.I.7 The annual emissions data for which the annual fees are based shall accompany the submittal of any annual fees and submitted on forms furnished by GEPA. [GAPCSR, Section 1104.24(c)]

III.I.8 Check payments shall be made payable to the Treasurer of Guam along with a notation that the funds be deposited into GEPA's Air Pollution Control Special Fund. [GAPCSR, Section 1104.21(d)]

III.I.9 The annual fees and emissions data shall be mailed to [GAPCSR, Section 1104.24]:

Administrator
Guam Environmental Protection Agency
Air and Land Division
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921

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All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

Director, Air Division (Attn: AIR-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

III.J. NSPS and NESHAP General Provisions

III.J.1 All requests, reports, applications, submittals, and other communications to the Administrator pursuant to 40 CFR Part 60 shall be submitted to the USEPA Region 9 office at the following address [40 CFR §60.4(a)]:

Director, Air Division (Attn: AIR-1)
USEPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

III.J.2 The permittee shall provide written notification to USEPA of any reconstruction of an affected facility, or any physical or operational change to an affected facility which may increase the emission rate of any air pollutant to which a standard applies, in accordance with 40 CFR 60.7. [40 CFR §60.7(a)]

III.J.3 The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. [40 CFR §60.7(b)]

III.J.4 The permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least five years following the date of such measurements, maintenance, reports and records. [40 CFR §71.6(a)(3)(ii), 40 CFR §60.7(f)]

III.J.5 The availability to the public of information provided to, or otherwise obtained by, the USEPA Administrator under this permit shall be governed by 40 CFR Part 2. (Information submitted voluntarily to the Administrator for the purposes of compliance with 40 CFR 60.5 and 60.6 is governed by 40 CFR 2.201 through 2.213 and not by 40 CFR 2.301.) [40 CFR §60.9]

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- III.J.6 At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate this facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [40 CFR §60.11(d)]
- III.J.7 For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR Part 60, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [40 CFR §60.11(g)]
- III.J.8 No owner or operator subject to the provisions 40 CFR Part 60 or CFR Part 63 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. [40 CFR §60.12, 40 CFR §63.4(b)]
- III.J.9 With respect to compliance with all New Source Performance Standards (NSPS) of 40 CFR Part 60, the permittee shall comply with the “General notification and reporting requirements” found in 40 CFR 60.19. [40 CFR §60.19]
- III.J.10 With respect to compliance with all National Emission Standards for Hazardous Air Pollutants (NESHAP) of 40 CFR Part 63, the permittee shall comply with the “Notification requirements” found in 40 CFR 63.9. [40 CFR §63.9]
- III.J.11 When actions taken by the permittee during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the startup, shutdown, and malfunction plan, the owner the permittee must keep records for that event which demonstrate that the procedures specified in the plan were followed. These records may take the form of a “checklist,” or other effective form of recordkeeping that confirms conformance with the startup, shutdown, and malfunction plan for that event. In addition, the permittee must keep records of these events as specified in §63.10(b), including records of the occurrence and duration of each startup, shutdown, or malfunction of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the permittee shall confirm that actions taken during the relevant reporting period during periods of startup, shutdown, and malfunction were consistent with the startup, shutdown and

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malfunction plan in the semiannual (or more frequent) startup, shutdown, and malfunction report required in §63.10(d)(5). [40 CFR §63.6(e)(3)(iii)]

III.J.12 If an action taken by the permittee during a startup, shutdown, or malfunction (including an action taken to correct a malfunction) is not consistent with the procedures specified in the startup, shutdown, and malfunction plan, and the permittee exceeds any applicable emission limitation in the relevant emission standard, then the permittee must record the actions taken for that event and must report such actions within 2 working days after commencing actions inconsistent with the plan, followed by a letter within 7 working days after the end of the event, in accordance with §63.10(d)(5) (unless the owner or operator makes alternative reporting arrangements, in advance, with the Administrator). [40 CFR §63.6(e)(3)(iv)]

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The permittee shall comply with all the terms and conditions of this permit. Any permit noncompliance constitutes a violation of the GAPCSR and, for all federally enforceable terms and conditions, the CAA, and is grounds for enforcement action, permit termination, suspension, reopening, or amendment, or for denial of a permit renewal application. Permit noncompliance shall be subject to the penalties and remedies provided for in Section 49116 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA. [GAPCSR, Section 1104.12(9)(A) and 1102.12; SIP, Section 4.4]

IV.B. Duty to Provide and Supplement Information

The permittee shall furnish, in a timely manner, any information or record requested in writing by GEPA to determine whether cause exists for terminating, suspending, reopening, or amending the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to GEPA copies of records required to be kept by the permit. For information claimed confidential, the permittee shall furnish such records to GEPA with a claim of confidentiality. [GAPCSR, Section 1104.12(9)(H)]

IV.C. Submissions

Any document (including reports, compliance plans and compliance certifications) required to be submitted by this permit shall be certified by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete in accordance with 1102.3 and shall be mailed or forwarded to the following address [GAPCSR, Sections 1102.3 and 1104.12(9)(L)]:

Administrator
Guam Environmental Protection Agency
Air and Land Division
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

Director, Air Division (Attn: AIR-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

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If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and remain valid. [GAPCSR, Section 1104.12(9)(B)]

IV.E. Circumvention

The permittee shall not cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate these regulations. This provision does not prohibit recycling, burning as fuel or otherwise further processing material which would violate an emission regulation if released to the atmosphere, so long as the facility in which that material is used does not violate applicable emission regulations. [SIP, Section 17.2]

IV.F. Permit Actions

This permit will be revoked if the Agency finds willful or continued violations of the standards and regulations. [GAPCSR, Sections 1104.12(9)(A), 1104.18(a)(4), and 1104.18(b)(3); SIP, Section 3.7(c)]

IV.G. Reopening for Cause

This permit may be terminated, suspended, reopened, or amended for cause pursuant to Section 1104.18 of the GAPCSR, after affording the permittee an opportunity for a hearing in accordance with Section 1102.14 or 10 GCA 49111. [GAPCSR, Section 1104.12(9)(D)]

IV.H. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege. [GAPCSR, Section 1104.12(9)(E)]

IV.I. Inspection and Entry

IV.I.1 The permittee shall allow GEPA, the Regional Administrator for the USEPA and/or an authorized representative, upon presentation of credentials or other documents required by law:

- a. To enter the premises where a source is located or emission-related activity is conducted, or where records must be kept under the conditions of the permit and inspect at reasonable times all facilities, equipment, practices, operations, or records covered under the terms and conditions of the permit and request copies of records or copy records required by the permit; and
- b. To sample or monitor at reasonable times substances or parameters to assure compliance with the permit or applicable requirements. [GAPCSR, Section 1104.12(9)(M)]

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IV.J. Emergency Provisions

IV.J.1 In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate to the Administrator the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations or other requirements in this permit; and
- d. The permittee submitted notice of the emergency to the Administrator within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the prompt reporting of deviations pursuant to Section 1102.9 of the GAPCSR. [GAPCSR, Sections 1104.17(a) and 1104.1(c)]
- e. In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof. [GAPCSR, Section 1104.17(b)]

IV.K. Transfer of Ownership or Operation

IV.K.1 This permit is not transferable, whether by operation of law or otherwise, either from one location to another or from one piece of equipment to another. [GAPCSR, Section 1104.4(c); SIP Section 3.8]

IV.K.2 This permit shall not be transferable, whether by operation of law or otherwise, from person to person without the approval of the Administrator. [GAPCSR, Section 1104.4(d); SIP Section 3.8]

IV.K.3 In the event of any changes in control or ownership of facilities to be operated or modified, the resulting modification of this permit shall be made as an administrative amendment pursuant to Section 1104.20 of the GAPCSR. [GAPCSR, Section 1104.20]

IV.L. Permit Expiration and Renewal

- IV.L.1 This permit is issued for a fixed term of five years from the date of issuance. [GAPCSR, Section 1104.11; SIP Section 3.1(b)(4)]
- IV.L.2 Application for permit renewal shall be submitted no more than eighteen (18) months prior to the date of permit expiration. Application for permit renewal shall be submitted no later than six (6) months prior to the date of permit expiration. Late applications shall be subject to penalties pursuant to Section 1104.25 of the GAPCSR. [GAPCSR, Section 1104.6(d); SIP Section 3.1(b)(4)]
- IV.L.3 This permit shall remain valid past the expiration date and the air pollution emission source shall not be in violation for failing to have an air pollution control permit, until the Administrator has issued or denied the renewal of the air pollution control permit, provided [GAPCSR, Section 1104.2(d)]:
- a. A complete renewal application has been submitted and the owner or operator acts consistently with the permit previously granted, and the application on which it was based, and all plans, specifications, and other information submitted as part of the application; and
 - b. The owner or operator has submitted to the Administrator within the specified deadlines, all requested additional information deemed necessary to evaluate or take final action on the renewal application as described in Section 1104.6 of the GAPCSR.

IV.M. Permit Modifications

Applications for modification of this permit are subject to the same requirements as the initial application including all requirements pursuant to Section 1104.6 (c) of the GAPCSR. The permittee shall submit a description of the modification, identifying all proposed changes, including any changes to the source operations, work practices, equipment design, source emissions, or any monitoring, record keeping, and reporting procedures. Each change from the permit application for this permit shall be identified on the application for the permit modification. [GAPCSR, Section 1104.6(f)]

IV.N. Malfunction

- IV.N.1 Except for emergencies which result in noncompliance with any technology-based emission limitation in accordance with Section 1104.17 of the GAPCSR, in the event any emission unit, air pollution control equipment, or related equipment breaks down in such a manner as to cause the emission of air pollutants in violation of GAPCSR, or this permit, the permittee shall immediately notify, within twenty-four (24) hours, GEPA of the failure or breakdown, unless the protection of personnel or public health or safety demands immediate attention to the failure or breakdown and makes such notification infeasible. In the latter

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case, the notice shall be provided as soon as practicable. The submittal of these notices shall not be a defense to an enforcement action. Within five (5) working days of this initial notification, the permittee shall also submit, in writing, the following information:

- a. Identification of emission points;
- b. Magnitude of the excess emissions;
- c. Time and duration of the excess emissions;
- d. Identity of the process or control equipment causing the excess emissions;
- e. Cause and nature of the excess emissions;
- f. Description of the steps taken to remedy the situation, prevent a recurrence, limit the excessive emissions, and assure that the breakdown does not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and Guam ambient air quality standards;
- g. Documentation that the equipment or process was at all times maintained and operated in a manner consistent with good practice for minimizing emissions; and
- h. A statement that the excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance. [GAPCSR, Section 1102.9]

IV.O. Agency Notifications

IV.O.1 The permittee shall notify the Administrator in writing of the following dates:

- a. The anticipated date of initial start-up for each emission unit of a new source or significant modification not more than sixty (60) days or less than thirty (30) days prior to such date.
- b. The actual date of construction commencement within fifteen (15) days after such date.
- c. The actual date of start-up within fifteen (15) days after such date. [GAPCSR, Section 1104.12(9)(G)]

IV.O.2 The permittee shall notify GEPA in writing, of the intent to shut down air pollution control equipment for necessary scheduled maintenance at least twenty-

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four (24) hours prior to the planned shutdown. The submittal of this notice shall not be a defense to an enforcement action. The notice shall include the following:

- a. Identification of the specific equipment to be taken out of service, as well as its location and permit number;
- b. The expected length of time that the air pollution control equipment will be out of service;
- c. The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period;
- d. Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period; and
- e. The reasons why it would be impossible or impractical to shut down the source operation during the maintenance period. [GAPCSR, Section 1102.8; SIP, Section 4.3]

IV.O.3 A copy of applicable correspondence or records submitted to GEPA shall be provided to the USEPA pursuant to Section 1104.15 of the GAPCSR. [GAPCSR, Section 1104.12(9)(I)]

IV.O.4 Within thirty (30) days of permanent discontinuance of the operation, modification, relocation, or construction of any of the above units, the responsible official shall report the discontinuance in writing to the Administrator. [GAPCSR, Section 1104.5(a)]

IV.P. Miscellaneous Conditions

IV.P.1 Unless specifically identified, the terms and conditions contained in this permit are consistent with the applicable requirement on which each term or condition is based. [Section 49107(7)(c)(2) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA]

IV.P.2 This permit, or a copy thereof, shall be maintained at or near the source for which this permit was issued and shall be made available for inspection upon request. [GAPCSR, Section 1104.4(a); SIP, Section 3.12]

IV.P.3 This permit shall not be willfully defaced, altered, forged, counterfeited, or falsified. [GAPCSR, Section 1104.4(b); SIP, Section 3.13]

IV.P.4 The facility covered by this permit shall be constructed and operated in accordance with the application, and any information submitted as part of the application, for this permit. There shall be no deviation from this permit

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condition unless additional or revised plans are submitted to and approved by GEPA, and the permit is amended to allow for such deviation. [GAPCSR, Section 1104.12(12)]

IV.P.5 This permit (a) does not release the permittee from compliance with other applicable statutes of Guam, or with applicable local or federal laws, regulations, or ordinances, and (b) shall not constitute, nor be construed to be an approval of the design of the source. [GAPCSR, Sections 1104.2(e) and 1104.12(11)]

IV.P.6 The permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the terms and conditions of this permit. [GAPCSR, Section 1104.12(9)(C)]

IV.P.7 The filing of a request by the permittee for a permit termination, suspension, reopening, or amendment, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [GAPCSR, Section 1104.12(9)(D)]

IV.P.8 This permit shall become invalid with respect to any authorized construction if construction is not commenced as follows:

- a. Within thirty (30) days of permanent discontinuance of the construction, modification, relocation or operation of any permitted air pollution emission source, the responsible official shall report the discontinuance in writing to the Administrator.
- b. For phased construction projects, each phase shall commence construction within eighteen (18) months of the projected and approved commencement dates in the permit. [GAPCSR, Sections 1104.5(b), 1104.5(c), and 1104.12(9)(F)]

IV.P.9 GEPA may extend the time periods specified in Condition IV.P.8 of this permit upon a satisfactory showing that an extension is justified. Request for an extension shall be submitted in writing to GEPA. [GAPCSR, Section 1104.5(d)]

IV.P.10 The permittee may request confidential treatment of any records in accordance with Section 1102.7 of the GAPCSR. [GAPCSR, Section 1104.12(9)(J)]

IV.P.11 The terms and conditions included in this permit, including any provision designed to limit a source's potential to emit, are federally enforceable unless such terms, conditions, or requirements are specifically designated as not federally enforceable. [GAPCSR, Section 1104.14]